

NUISANCE ABATEMENT BOARD OF
THE CITY OF CLEARWATER, FLORIDA

Rules of Procedure

I. Name

The name of this Board shall be the Nuisance abatement Board of the City of Clearwater, Florida.

II. Jurisdiction

The Board has jurisdiction over those matters which are set forth in Section 893.138, Florida Statutes and Ordinance 8692-15, Sections 20.01 through 20.04, Clearwater Code of Ordinances.

III. Officers and Their Duties

A. The officers shall be a Chair and a Vice-Chair. The City of Clearwater shall provide a Recording Secretary, who shall be the City Clerk or Deputy City Clerk.

B. The Chair shall preside over all meetings and shall have the duties normally conferred by parliamentary usage on such officers, except that the Chair shall neither make nor second a motion.

C. The Chair shall be one of the members of the Board. The Chair shall have the privilege of discussing all matters before the Board and shall have the same voting rights as all Board members.

D. The Vice-Chair shall act in the absence of the Chair, and a member selected from the Board may be designated in the absence of the Chair and Vice-Chair.

IV. Election of Officers

A. Nomination of officers shall be made from the members at the annual organizational meeting, and the election shall be held immediately thereafter.

B. The candidate receiving a majority of the votes cast shall be declared elected and shall serve a term of one (1) year or until a successor shall take office. The Chair may not serve more than two (2) concurrent terms as Chair.

C. Vacancies in the office of Chair or Vice-Chair shall be filled by the regular election procedure described above.

V. Representation

A. The City Attorney, an Assistant City Attorney, or a Special Assistant Attorney appointed by the City Council is responsible for reviewing complaints to be presented before the Board and determining whether such complaints are supported by competent and substantial evidence. The City may be represented at the scheduled hearing by the City Attorney, an Assistant City Attorney, or a Special Assistant Attorney.

B. Respondent is entitled to be represented by an attorney of the respondent's own choosing and at respondent's expense.

C. The Board shall be represented by a private attorney in good standing with the Florida Bar Association, who shall advise the board regarding the organization of the board, the conduct of its hearings, and the exercise of its powers. The Board Attorney shall not prosecute cases before the board.

VI. Meetings

A. Regular Meetings

Regular meetings shall be held as often as necessary. Regular meetings shall be held at 3:00 PM on the first Wednesday of each month at the Clearwater City Council Chambers, Main Library, 100 N. Osceola Avenue, Clearwater, Florida, or at such other time and place as may be determined by the Board and the City.

B. Special Meetings

Special meetings may be called by the Chair or by at least four (4) members of the Board by written notification to the Chair. In setting a special meeting the Board must consider the necessity for public notice of such meeting and provide at least ten (10) days notice to the City Clerk for inclusion on the City's schedule of meetings and events.

C. Notice

1. Notice of all meetings, both regular and special, shall be given to all Board members at least twenty-four (24) hours in advance of the meeting.

2. Notice of all meetings, both regular and special, shall be provided to the City Clerk for inclusion on the City's schedule of meetings and events.

D. Attendance

Members shall notify the Chair or the Recording Secretary if they cannot attend a meeting.

E. Voting

Voting shall be by voice vote and shall be recorded by individual "aye" or "nay." Each member shall vote on every matter coming before the Board unless prohibited from doing so or allowed to abstain pursuant to Section VI.(F) of these Rules.

F. Abstention

Pursuant to Section 112.3143, Florida Statutes, a member is prohibited from voting in an official capacity on a matter which would inure to his special private gain and is prohibited from knowingly voting in his official capacity upon any measure which inures to the special gain of any principal by whom he is retained. Pursuant to Section 286.012, Florida Statutes, a member is allowed to abstain when there appears to be a possible conflict of interest under the provisions of s.112.311, 112.313, or 112.3143, Florida Statutes.

G. Procedure

Parliamentary procedure in Board meetings shall be governed first by the Rules of Procedure contained herein, and, if not specifically covered herein, then by Robert's Rules of Order, Revised.

VII. Order of Business

1. Call to Order
2. Approval of minutes of previous meetings
3. Citizens to be heard Re: Items not on the agenda
4. Public hearings
7. Unfinished or old business
8. Next meeting date
9. Adjournment

The order of business may be suspended by a vote of the majority of the members

present.

VIII. Conduct of Hearings

The following procedures will be observed in hearings before the Board.

1. The City's case shall be presented first.
2. Respondent or Respondent's attorney shall then present his/her case.
3. Both parties, pro se or by their attorney, will have an opportunity to present brief opening statements, present and examine witnesses, cross-examine witnesses, and present brief closing arguments.
4. The Board may question any witness or call any witness as it deems necessary.
5. The Board may, in its discretion, at any time during the hearing, request further information from either party and thereupon continue the hearing to a date certain.
6. If a hearing is adjourned, at the time the hearing is reconvened only those Board members who have been present from the beginning of the hearing on a particular case may participate in the deliberations and decision making process on that case.
7. Upon completion of all the evidence, the Chair shall conclude the hearing.
8. The Board shall immediately deliberate in open session and shall issue its order.

IX. Use of Hearsay and other evidence

Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witness shall be made under oath.

Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.